

REMARKS

Applicant acknowledges that claims 1-10 are pending in the application, and that the Office currently holds claims 1-10 as rejected. Applicant hereby amends claims 1 – 2 and 4 - 10. The claim amendments add no new matter to the application.

Rejection under 35 USC §102(e)

In the Office Action of October 31, 2006 (hereinafter, "Office Action"), claims 6 and 9 are rejected under 35 USC §102(e) as being anticipated by Rasmussen *et al.*, US 2002/0126990 (hereinafter, "Rasmussen"). For the following reasons, Applicant respectfully disagrees.

Please note that claims 6 and 9 have been amended. The amendment of claim 6 adds no new matter to the invention. It is with these amendments in mind that the following remarks are made.

Amended claims 6 and 9 pertain to the method of screening the story by "focus groups" so that the story may be updated with e-interaction aids (also referred to as contact aids 34, see Figures 1 and 2). The focus groups are also queried to update a Customer Relationship Management Module (CRMM) with data such as likely questions a reader/viewer 12 might ask once the contact aid 34 is selected. The CRMM is essentially a database of information about the story (e.g., likely questions and appropriate responses), as well as data about the reader/viewer 12 (page 11, lines 18 – 24). This "focus group" aspect of the invention is described particularly in the flow diagram of Figure 4 and on page 13 of the specification. The operations of Figure 4 are thus not describing the actions of a customer purchasing the story (deemed the "reader/viewer 12" in the specification), but of the optional steps that may be taken to get the story into a marketable form, including the inclusion of contact aids 34 at preferable locations in the story, as well as the

availability of a database of likely questions/appropriate answers to be stored in the CRMM database.

The focus group consists of “representative viewers/readers” (page 13, lines 2 – 3), who are to screen the media, are encouraged to ask questions or record a comment at particular points of interest during the playing of the media (the story and the screening by the focus group may be recorded). The focus group individuals are not to be confused with the customer who purchases the story, the reader/viewer 12. The specification states, “The questions asked during the focus group session provide a guide to the CRMM 32 as to what sorts of questions or comments can be expected when the media is played to a mass audience” (page 13, lines 17 – 19). The mass audience is the ultimate customer of the product. From the questions/comments obtained by the focus group members, the CRMM database may be established, automating at least some of the later customer interaction that will hopefully take place once the story is sold. The specification states, “Standard responses to these questions are then prepared and saved so as to be retrievable by the system 10 when similar questions are asked during the mass playing of the media 14” (page 13, lines 19 – 21). At least from the cited phrases, it may be understood that the individuals making up the focus group are not the customers of the product.

Amended claims 6 and 9 thus pertain to this aspect of the invention, the techniques that may be employed to optimally position contact aids 34 within the story and the procurement and storage in the CRMM database of likely questions (and possible answers) that customers of the story (e.g., readers/viewers 12) may ask. An amendment to claims 6 and 9 clarifies that “the at least one test subject” are not the “intended reader/viewer” of the story. Another amendment to claims 6 and 9 clarifies the fact that the e-interaction (or contact aid 34) points are inserted into the story based upon the test subject inputs. This amendment also affirms that a relationship

between the reader/viewer 12 of the story and the CRMM database is established once the e-interaction point is accessed by the viewer. The recitation, "each E-interaction point, *when accessed by the reader/viewer of the story media*, establishes a channel of communication". This aspect of the amended claims is described in more detail, below.

The features of amended claims 6 and 9 are not found in Rasmussen. The examples given in the Office Action relate to the user of the media, such as a set-top box (Rasmussen, paragraph 25) testing hot spots, such as by clicking on them or pressing a button (paragraph 35). Here, the user of the media is the customer, whereas in amended claim 6, the test subject is not the customer, but, as explained above, an individual who assists in generating the end product, the story with the embedded contact aids. The last step of amended claims 6 and 9, "inserting an E-interaction point in the story" is about creating the end product, not about user interaction with the product. In Rasmussen, the user is selecting a hot spot, not deciding where the hot spots should optimally be in the display. Thus, the claim recitation, "inserting an E-interaction point in the story media" is not performed by the user in Rasmussen.

Nor are the hotspots inserted into the display "based upon the inputs of the at least one test subject", as claimed. Rasmussen does discuss how the hot spots in the display may be arrived at, including tailoring them "to an individual's buying habits and interests"; giving the advertiser some power over where to include hot spots: "advertiser who pays for the hot spot link may only pay to target their specific audience"; or, giving the viewer some control in when hot spots are displayed: "viewer may be able to ... activate or deactivate specific interactive content" (paragraph 32). Rasmussen does not disclose, teach or suggest, however, the optional use of focus groups in deciding where to insert the hot spots. For at least these reasons, amended

claims 6 and 9 are not anticipated by Rasmussen. Applicant respectfully requests reconsideration of the 102(e) rejection to claims 6 and 9.

Rejection under 35 USC §103(a)

In the Office Action, claims 1 – 5, 7 – 8, and 10 are rejected under 35 USC §103(a) as being unpatentable over Rasmussen, as applied to claim 6, above, and in view of Martin *et al.*, US 2002/0120519 (hereinafter, “Martin”). For the following reasons, Applicant respectfully disagrees.

Please note that claims 1, 2, 4, 5, 7, 8, and 10 have been amended. The amendments to the claims, which are described in detail, below, add no new matter to the claims. It is with the amendments to the claims that the following remarks are made.

Regarding claims 1, 4, 7, and 8, the previously added limitation, “the media being traditional and electronic story media” and similar recitations have been removed, as this limitation is unnecessary to overcome the cited art.

Like claims 6 and 9, amended claim 7 is directed to the aspect of the invention in which the focus group is used to decide where the contact aids 34 should be inserted into the story. Accordingly, amended claim 7 includes the limitation, “the at least one test subject not being the intended reader/viewer of the media”, similar to the language found in amended claims 6 and 9. This additional limiting language distinguishes amended claim 7 from Rasmussen.

Claims 1, 2, 4, 5 and 8 have been amended to remove the reference to “contact mechanism”. While it is correct that “contact aid” and “contact mechanism” are used in the specification (as is E-interaction aid), the language in the claims was unnecessarily confusing. The claims are hopefully clearer with this claim amendment. No new matter was added with the claim amendments.

Claims 2 and 5 have been amended to correctly employ the Markush language, "selected from the group consisting of". No new matter was added with the claim amendments.

Amended claims 1, 4, 7, and 8 include an additional limitation not found previously, in which it is made clear that information about the reader/viewer is captured/analyzed by the CRMM *if* (claims 7 and 8) or *only if* (claims 1 and 4) the reader/viewer selects the contact aid 34. The contact aid 34 is made available within the story (optionally using the focus group test subjects described above and recited in amended claims 6, 7, and 9). However, the "channel of communication" and its effects, namely, the connection between the CRMM and the reader/viewer, the analysis of the reader/viewer's likes/interests based upon questions asked of the character or author in the story, the responses provided to the reader/viewer based upon questions asked, the offering of products to the reader/viewer, etc., do not occur if the reader/viewer never accesses the contact aid 34.

As one example, suppose the story being sold to the customer (the reader/viewer 12) is a traditional print media book. The reader/viewer 12 reads the book and notices that one of the characters in the book has an associated email address. An example in the specification shows the character, "ET", having an email address, ET@ufos.com (Figure 1) or the topic-specific email address, ET-thunder@ufos.com (Figure 2). If the reader/viewer 12 of the traditional print media book has no computer, email address, or access to the Internet, that reader/viewer may not ever access these email addresses (the contact aids 34). Until the reader/viewer takes such an action, the stored information in the CRMM 32 cannot be exploited. Further, additional information about the reader/viewer 12, to be used by the customer profile capture module (CPCM) 44 (page 11, lines 18 – 20 and Figure 1), cannot be obtained, much less exploited.

This is in contrast to the teachings of Martin. Like Applicant's claimed invention, Martin uses a CRM system module to "establish and maintain relationships with the retailer's customers" (Martin, paragraph 174). However, the CRM analysis in Martin begins at the point of purchase by customers. In Applicant's claimed invention, the customer (the reader/viewer) purchases the story (no matter what the form, electronic, book, web page, cinema), but the CRMM 32 is unable to do anything until the reader/viewer 12 "bites" one of the contact aids 34. Thus, the CRMM 32 may have a wealth of stored questions and ready responses to questions that the reader/viewer might ask about the story, but the processing (by the processor 46, Figure 1) will not occur until the reader/viewer 12 accesses one of the contact aids 34 within the story. In Martin, the CRM system module starts doing its work as soon as a purchase is made: "the CRM module may automatically transmit extended warranties or loss insurance offers to customer's (sic) who have purchased a product" (paragraph 174).

This feature of Applicant's claimed invention is clearly distinguishable from Martin, and is evident in the amended claims. Amended claim 1 recites, "the CRMM capturing information about the reader/viewer and analyzing the captured information *only if* the reader/viewer selects the contact aid".

Further, Rasmussen fails to teach or suggest all of the elements of the independent claims. In amended claim 1, the system comprises, "a customer relationship management module" not found in Rasmussen. Nor is "a channel of communication...established from which the reader/viewer can interact with the CRMM". In Rasmussen, the customer viewing the display can interact with the display, click on the hot spot, and obtain additional information not previously viewable on the screen, but there is no CRMM connection established. Nor is the entity providing the hot spots able to capture "information about the reader/viewer" and analyze it, as recited in Applicant's claim 1 (and similarly found in amended claim 8). In Rasmussen, the hot

spots are provided for the ostensible benefit of the viewer of the display, but nowhere in Rasmussen is it suggested that a two-way "channel of communication" is established between a selling entity (e.g., the CRMM) and the customer (e.g., the reader/viewer).

For at least these reasons, Applicant's claimed invention is distinguishable over the cited art. Applicant respectfully requests reconsideration of the 103(a) rejection of claims 1 – 5, 7 – 8, and 10.

Conclusion

Applicant believes that the above amendments and remarks are fully responsive to the Office Action. Applicant respectfully requests reconsideration and removal of all claim rejections. In view of the above amendments and remarks, the application is now in condition for allowance. Applicant respectfully requests the Examiner to contact the undersigned to timely resolve any minor issues that may remain in the application. Alternatively, Applicant invites the Examiner to suggest alternative claim language for Applicant's consideration, in order to facilitate timely prosecution of this application.

Applicant thanks Examiner for taking the time on January 16 and 18, 2007, to discuss the matter with Applicant's representative, Carrie Boone. If it is preferable to do so, the Examiner is invited to contact Applicant's representative at the email address given below.

Respectfully submitted,


Date

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